

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 v.  
11 MATEO HERNANDEZ-DELUNA,  
12 Defendant.

3 : 98-cr-00108-HDM  
3 : 17-cv-00200-HDM

## ORDER

14 On May 9, 2017, this court entered an order denying  
15 Defendant's petition for relief under 28 U.S.C. § 2255. (ECF No.  
16 28). On May 2, 2018, the Ninth Circuit Court of Appeals entered  
17 an order vacating this court's order and remanded for this court  
18 to allow Defendant an opportunity to present his position on the  
19 timeliness of his motion. (ECF NO. 39). On June 29, 2018, the  
20 court entered an order directing Defendant to file supplemental  
21 pleadings on his position on the timelines of his 28 U.S.C. § 2255  
22 motion within sixty (60) days. (ECF No. 41). On August 29, 2018,  
23 Defendant submitted a letter to the court stating that he had not  
24 received any communications from the court since the case was  
25 remanded from the Ninth Circuit Court of Appeals. (ECF No. 44).  
26 On September 4, 2018 the court entered another order directing the  
27 Clerk of the Court to update the BOP Register Number for the

1 Defendant and send the Defendant a copy of the docket sheet. (ECF  
2 No. 45). Additionally, the court gave Defendant an additional  
3 sixty (60) days to file supplemental pleadings on his position on  
4 the timeliness of his 28 U.S.C. § 2255 motion. (*Id.*) There is no  
5 indication in the record that the Defendant did not receive this  
6 court's order of September 4, 2018.

7 As of this date, the Defendant has not filed supplemental  
8 pleadings as directed by the court. The court has provided  
9 Defendant great leeway to respond to this court's order, and  
10 Defendant has failed to do so. No facts have been presented to  
11 this court related to the timeliness of Defendant's 28 U.S.C. §  
12 2255, and no just cause exists to further extend the time to file  
13 supplemental pleadings. Accordingly, Defendant's 28 U.S.C. § 2255  
14 motion is denied. The Clerk of the Court shall enter judgment  
15 accordingly.

16 **IT IS SO ORDERED.**

17 DATED: This 20th day of February, 2019.

18 

19  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28